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er's failure to object did not constitute a consent to the jury's discharge, and that a retrial was unconstitutional, being in violation of the fifth amendment.

There seems to be a diversity of opinion as to when and under what circumstances a disagreement by a jury will bar a second trial. Some courts hold as in the present case in regard to waiver of a constitutional right. *Caucemi v. People*, 18 N. Y. 129; *State v. Hodkins*, 35 W. Va. 250. But in *People v. Curtis*, 76 Cal. 57, and *Morgan v. State*, 3 Sued (Tenn.) 475, it is held that where the record does not show a discharge of the jury to have been without the prisoner's consent, it will be presumed that the discharge was with his consent. As to what constitutes a sufficient necessity and in what cases a judge may use his discretion in discharging a jury without barring a second trial see the following: *Williams v. Com.*, 44 Am. Dec. 403; *Page v. State* 3 Ohio St. 229; *Com. v. Townsend*, 5 Allen 216; *State v. Honeysutt*, 74 N. C. 391; *People v. Jones*, 48 Mich. 554; *Green v. State*, 10 Neb. 102; *Bishop's Criminal Law*, Sections 1033-36.

EJECTMENT—TENANT OF LIFE TENANT—MORTGAGEE.—BARSON ET AL. V. MULLIGAN ET AL., 73 N. Y. Supp. 262.—Life tenant of certain premises leased them to defendants who also purchased an overdue mortgage covering the same. On death of life tenant, plaintiffs, the reversioners, without paying the mortgage, brought ejectment to recover possession from defendants. *Held*, defendants having gone legally into possession have right to remain as mortgagees in possession, until their mortgage is paid. Van Brunt, P. J., and Hatch, J., dissenting.

The position of the Court is that consent of mortgagor or judgment upon the mortgage are not essential to constitute a party, a mortgagee in possession under the lien theory. *Winslow v. McCall*, 32 Barb. 241. Yet possession must in every case originally be lawful. *Russell v. Ely*, 2 Black (U. S.) 575. The decision is sound in reason even if it lacks precedent; as the dissenting judges assert. *Phyfe v. Riley*, 15 Wend. 248.

EQUITY—JURISDICTION—POLITICAL QUESTIONS—ENJOINING VIOLATION OF NEUTRALITY RIGHTS.—PEARSON V. PARSON, 108 Fed. Rep. 461 (La.).—Private persons asked for a bill to enjoin the shipment from a port of the United States of alleged military supplies destined for use by Great Britain in the war with the South African Republics. *Held*, that the questions involved are entirely political, and can be dealt with only by the executive branch of the government.

The complainants contended that by reason of the declaration of the treaty of Washington of May 8, 1871, relative to the "Alabama claims," in which it was declared that: "A neutral government is bound not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms," they were entitled to invoke the equity powers of this court to prevent such use. The court said that there was nothing in this treaty, when its history and purposes were considered, which would warrant the belief that the United States insisted upon inserting therein a new principle of international law. It is a well established principle of international law that private citizens of a neutral nation can lawfully sell